

Article III. Town Manager

Sec. 3.01. Appointment; qualification; compensation.

The town manager shall be chosen by the council solely on the basis of character, executive and administrative qualifications with special reference to actual experience in, or knowledge of, accepted practice in respect to the duties of office hereinafter set forth, and may or may not be a resident of the Town of Kittery or of the State of Maine when appointed, but, while in office, may reside outside the Town or State only when specified by contract. The council shall appoint a town manager for an indefinite term unless otherwise specified by contract, and shall fix the manager's compensation. (Amended by vote of the people 10-4-94)

Sec. 3.02. Removal of manager.

The town manager may be removed or suspended for cause by the council in accordance with the provisions of Maine law.

- (1) The council shall file with the town clerk a written preliminary resolution setting forth the specific reasons for the proposed removal, a copy of which shall be delivered to the manager within 10 days of filing.
- (2) The manager may, within 20 days of receiving the resolution, reply in writing and may request a public hearing.
- (3) Upon request for a public hearing the council shall hold one not earlier than 10 days after the request is filed nor later than 30 days.
- (4) After the public hearing, or at the expiration of the time permitted the manager to request the public hearing, if no such request is made, the council may adopt or reject the resolution of removal.
- (5) The council may suspend the manager from duty in the preliminary resolution, but in no event shall the manager's salary be affected until the final resolution of removal has been adopted.
- (6) In the event of any conflict with the provisions of Maine law concerning the removal of the manager, the provisions of Maine law shall supersede the provisions of this section. (Amended by vote of the people 10-4-94)

Sec. 3.03. Vacancy in the office of town manager.

In the temporary absence or disability of the manager, the manager shall designate, subject to approval of the council a properly qualified person to perform the duties of the manager and the council shall fix his compensation. While so acting, he/she shall exercise the powers and perform the same duties of the manager. During such absence or disability, the council may revoke such designation at any time and appoint another qualified person to serve until the manager shall return or his disability shall cease. No member of the council shall be appointed to serve as manager during such absence or disability.

Sec. 3.04. Powers and duties.

The town manager shall be the chief administrative officer of the town, and shall be responsible to the council for the administration of all town affairs placed in the town manager's charge by or under this charter, and shall have the following powers and duties:

The town manager shall:

- (1) Appoint and prescribe the duties of all statutory officers and department heads and, when necessary for the good of the service, suspend or remove officers and employees of the town appointed by the manager, except as otherwise provided under this charter or by law. The manager may authorize the head of a department or office to appoint, suspend or remove subordinates in such department or office in

accordance with personnel rules as may be established by ordinance. All such action conducted in accordance with this subsection shall be reported to the council;

- (2) Direct and supervise the administration of all departments, offices and agencies of the town, except as otherwise provided by this charter or by law;
 - (3) Attend all council meetings, except when the manager's removal is being considered, or when excused by the Town Council, and shall have the right to take part in discussion, but may not vote;
 - (4) See that all laws, provisions of this charter and acts of the council, subject to enforcement by the manager or by officers subject to the manager's direction and supervision, are faithfully executed;
 - (5) Prepare and submit the annual proposed budget, incorporating the capital program, to the council and be responsible for budget administration after adoption;
 - (6) Prepare and submit to the council as of the end of the fiscal year a complete report on the finances and administrative activities of the town for the preceding year, and cause such annual report to be published and made available to the public as promptly as possible after the close of the fiscal year;
 - (7) Make such other reports as the council may require concerning appointments and the operations of town departments, offices and agencies subject to the manager's direction and supervision;
 - (8) Keep the council fully advised as to the financial condition and future needs of the town and make such recommendations to the council concerning the affairs of the town as the manager deems advisable;
 - (9) Act as purchasing agent for all departments of the town, except the school department, and provide, in case of the school department, for cooperative purchasing arrangements where feasible;
 - (10) Prepare an administrative code, submit it to the council and be responsible for its administration after adoption;
 - (11) Assist insofar as possible residents and taxpayers in discovering the remedial processes in cases involving complaints of unfair vendor, administrative and governmental practices;
 - (12) Perform such other duties as are specified in this charter or may be required by the council; and
 - (13) With the consent of the council, serve as the head of one or more departments, offices or agencies.
- (Amended by vote of the people 10-4-94)